

**CITY OF NEWARK
DELAWARE
CONSERVATION ADVISORY COMMISSION
MINUTES**

JANUARY 9, 2007

MEETING CONVENED 7:00 p.m., City Manager's Conference Room

MEMBERS PRESENT: Robert Bennett presiding, Steven Beard, Jennifer Byrne, Thomas Fruehstorfer, Ajay Prasad, Kass Sheedy

MEMBERS ABSENT: Steve Dentel, Kurt Philipp, Fred Stiegler

STAFF PRESENT: Charlie Emerson, Parks & Recreation Director

1. APPROVAL OF MINUTES FROM MEETING HELD ON DECEMBER 12, 2006

Mr. Fruehstorfer changed the last paragraph on page three to, "Mr. Fruehstorfer thinks the prohibition measures in the 100-year floodplain protect public safety". On page two Ms. Byrne changed Blue Bell Barn to Blue Ball Barn and in the first sentence in the same paragraph Mr. Prasad deleted the word "exclusively". Ms. Sheedy removed the word "forecasting" from the last sentence in the first paragraph on page three. Mr. Prasad corrected the spelling of John Byrne's name.

Mr. Bennett questioned the claim that Mr. Charma felt the Commission's recommendation of a 50' buffer was arbitrary. Mr. Fruehstorfer could not recall whether Mr. Charma actually made that remark so he asked to strike the statement from the minutes.

In the fifth paragraph on page seven Ms. Sheedy reworded her statement to say, "Ms. Sheedy tried to suggest more broadly defined methods to increase infiltration such as the addition of grassy buffers".

MOTION BY MR. PRASAD, SECONDED BY MR. FRUEHSTORFER: THAT THE MINUTES FROM THE DECEMBER 12, 2006, MEETING BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

AYE: Beard, Byrne, Fruehstorfer, Prasad, Sheedy

NAY: 0

ABSENT: Dentel, Philipp, Stiegler

2. LEED

Commission members discussed the LEED proposal and agreed they were satisfied and wished to move forward with it. Ms. Byrne pointed out that a flow chart was missing from the document. Ms. Sheedy suggested approving the proposal assuming Mr. Dentel would add the flow chart and make any changes he deemed necessary.

MOTION BY MS. SHEEDY, SECONDED BY MR. BEARD: TO APPROVE THE LEED PROPOSAL WITH AMENDMENTS TO BE MADE BY MR. DENTEL.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

AYE: Beard, Byrne, Fruehstorfer, Prasad, Sheedy

NAY: 0

ABSENT: Dentel, Philipp, Stiegler

Mr. Bennett said New Castle County's LEED-certified Paul J. Sweeny Public Safety Building was an example of other municipalities participating in green building. Mr. Fruehstorfer said the proposal for the City was different because it encouraged residents to build green by requiring that a LEED certified architect complete a LEED checklist. Residents were also required to contribute to a green building fund. The contribution could be refunded if the resident chose to build green.

There were no further comments.

4. COOL CITIES

Mr. Beard had volunteered to contact the City of Wilmington to find out how they complied with the program but was unable to. Mr. Bennett recommended moving the discussion of the Cool Cities program to the February 13, 2007, meeting.

There were no further comments.

5. FLOODPLAIN AND STORMWATER REGULATIONS

Mr. Fruehstorfer summarized his recommendations for Mr. Bennett who was not at the last meeting. He explained that the recommendations for changes to floodplain regulations that the Commission submitted to Council focused on public safety issues. Residents expressed concern about not being able to build on property they owned in the floodplain. The recommendation did not explain the problems caused by building in the floodplain. The new proposal documented how development negatively impacted others and how the current Code did not protect the local native ecosystems, plants, or animals. It also addressed the goals of the stormwater regulations, demonstrated what restrictions were needed to meet each objective, and offered suggestions on how improvements could be made.

Mr. Bennett asked for Mr. Emerson's thoughts on how the recommendation affected Christianstead. Mr. Emerson said the Parks Department would continue to enforce the 20' buffer as directed by Council. He noted that most residents were cooperative but sometimes had problems when their landscapers mowed the grass too far back.

Mr. Bennett was interested in the suggestion to add public trails. Mr. Fruehstorfer said the proposal included quotes from Rails to Trails to help explain the benefits of buffers. Mr. Bennett remarked that the original plan for Christianstead and West Branch included public trails on both sides of the creek. Mr. Emerson said the crux of the problem with those developments was that it was private property with public access. Mr. Fruehstorfer said Mr. Lopata claimed the situation at Christianstead and West Branch could not happen again because City staff would not allow it; however, he wondered how the City could prevent a developer from building in the floodplain if their project met the Code requirements. Mr. Emerson said philosophically the City decided they would acquire land along the creek whenever possible. Mr. Fruehstorfer suggested adding specific language to the Code, and said he would rewrite the proposal and send it to everyone for review before the next meeting.

There were no further comments.

6. REVIEW OF PLANNING DEPT. REPORTS RE POSSIBLE FUTURE DEVELOPMENTS

Mr. Beard said the December 13 report stated that a special use permit was approved for construction in the floodplain for the Rohm and Haas facility. Mr. Emerson explained that it was related to stormwater. He suggested that Mr. Beard speak with Mr. Lapointe if he had any questions.

There were no further comments.

7. OLD/NEW BUSINESS

A. Ms. Byrne said Mr. Dentel asked the Commission to vote on the green energy purchase.

MOTION BY MR. FRUEHSTORFER, SECONDED BY MR. FRUEHSTORFER:
TO APPROVE THE GREEN ENERGY PURCHASE.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

AYE: Beard, Byrne, Fruehstorfer, Prasad, Sheedy

NAY: 0

ABSENT: Dentel, Philipp, Stiegler

B. Ms. Hubbard reported that Mr. Stiegler spoke to Sandra Burton, Director of the Delaware Energy Office, and learned the results of “Flip the Switch, Delaware and Save” light bulb give-a-way program. Seventy-five thousand people (21% response rate) visited 35 libraries and picked up almost 150,000 fluorescent bulbs. They were interested making a presentation to the Commission.

C. The last A Better Newark Award was awarded in August 2006. Ms. Byrne took pictures of the property across the street from the Newark Country Club on Tanglewood Drive at Ms. Dilley’s suggestion. The property owner made several aesthetic improvements including the addition of an apartment garage. Ms. Byrne will e-mail the pictures of the property and Mr. Fruehstorfer volunteered to speak with the owner.

D. Community Cleanup was scheduled for Saturday, April 21, 2007. Mr. Bennett suggested involving groups like the Trail Dogs and Trail Spinners. He planned to announce the date at the Wilmington Trail Club meeting. Ms. Byrne suggested concentrating volunteers in the area around the railroad tracks near the Newark Shopping Center.

E. Mr. Emerson said the City sent out an RFP for the design and engineering of the Pomeroy Trail. A pre-submittal meeting was planned for January 16, 2007. Mr. Emerson noted that people who used the Hall Trail were good stewards of the park areas near the trail and felt the same would be true of people who use the Pomeroy Trail.

Mr. Emerson explained that the State of Delaware, City of Newark, University of Delaware, DELDOT and WILMAPCO were partners on the project. The trail would be approximately two miles from the Hall Trail north. It would eventually connect with the Lair campus and White Clay Creek State Park. The construction for the transit hub project between Main Street and Delaware Avenue was planned to begin in the spring and that section of the Pomeroy Trail would be built as part of that contract. The City received Federal funding for the project which would be allocated over a five-year period.

Mr. Beard mentioned that the University of Delaware website reported that the report of a rape on the Hall Trail was found to be false.

F. Ms. Byrne suggested adding the annual report to February’s agenda.

8. Meeting adjourned. Time: 8:30 p.m.

Sonji Hubbard
Secretary